THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 6198 OF 1997

Date: 05.02.2007

Between:

Smt. P. Tapeetha.

... Petitioner

and

The Correspondent, Jeevanajyothi C.S.I. U.P. School; for Blind, Christianpet, Gannavaram, Krishna District and others.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 6198 OF 1997

ORDER:

The petitioner, an S.G.B.T Assistant in the first respondent

school for the blind, seeks a direction from this Court calling upon the respondents to transfer him from the first respondent school to any other needy school by refixing her pay in the 1993 pay scales. Reliance is placed by the petitioner on Rule 10(17) of the A.P. Educational Institutions (Establishment, Recognition, Administration and control of schools under Private Management) Rules 1993 as notified in G.O.Ms. No. 1 dated 01.01.1994. Petitioner would state that the management of school had submitted a proposal in this regard to the competent authority and that the petitioner had also made a representation to the second respondent on 17.03.1996, 26.03.1996 and 28.06.1996 requesting that he be transferred along with the post to any other private aided or local body schools. It is stated that no action is taken thereupon by the respondents. This Court, by order in W.P.M.P. No. 7423 of 1997 in W.P. No. 6198 of 1997 dated 27.03.1997, directed the second respondent to pay salaries due to the petitioner pending disposal of the writ petition. This Court left it open to the management to work out the remedies with the second respondent with regards to release of grant-in-aid. Rule 10 of the Rules notified in G.O.Ms. No. 1 dated 01.01.1994 prescribes the conditions governing promotion/recognition and under sub-rule 17 thereof when a private aided school is forced to be closed for any reason or whenever it intends to remove any of its staff members or whenever there is a fall in the strength in the present aided school for two subsequent academic years, the competent authority may transfer the staff along with the posts to any other needy private aided or local body schools within the District. Sub

rule 17 is an enabling provision and, on fulfillment of the conditions stipulated therein, the competent authority is given the discretion to transfer the staff along with the posts to other needy private aided or local body schools.

No counter affidavit is filed on behalf of the respondents.

Sri Surendra Desai, learned Counsel for the petitioner would submit that the petitioner would furnish another copy of his earlier representations to the 3rd respondent within a period of four weeks from the date of a copy of this order. The third respondent shall, on receipt of such a representation submitted by the petitioner, exercise his discretion under Rule 10(17) of G.O.Ms. No. 1 dated 01.01.1994 and pass appropriate orders in accordance with law. The third respondent shall take a decision in this regard within a period of three months from the date of receipt of a copy of this order and shall communicate its decision to the petitioner herein.

The writ petition is disposed of accordingly. No costs.

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Date: 05.02.2007 RAMESH RANGANATHAN, J

MRKR